

MENTAL TREATMENT.

18° GEO. V., No. XIII.

No. 13 of 1927.

AN ACT to amend the Law relating to Persons suffering from Mental Disorder.

[Assented to 23rd November, 1927.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Mental Treatment Act, 1927*, and shall be read as one with the Lunacy Act, 1903-1920, hereinafter referred to as the principal Act.

Hospitals and reception houses for mental patients.

2. (1) The Governor may—

- (a) establish hospitals for the reception and treatment of persons suffering from mental or nervous disorder who have not been found, declared, or certified to be insane; and
- (b) constitute wards in public hospitals reception houses for the treatment of such persons.

(2) The Governor may appoint for any hospital established under this Act a superintendent and such other officers as may be deemed necessary.

Voluntary patients.

3. (1) Any person suffering from mental or nervous disorder who has not been found, declared, or certified to be insane, may be received into a hospital or reception house under this Act as a voluntary patient on his own application, or, in the case of a person under the age of twenty-one, on the application of his parent or guardian.

(2) Every application shall be in writing, in the prescribed form, signed by the applicant or his parent or guardian and witnessed by a justice of the peace.

(3) The period for which a person is received into a hospital or reception house on an application under this section shall be six months, unless a shorter period is stated in the application; but, subject to the regulations, the application may be renewed:

Provided that a patient received under this section—

(a) may be discharged from a hospital or reception house at any time the superintendent or governing authority may think fit; and

(b) shall be discharged at the expiration of ten days after the receipt by the superintendent or governing authority of notice in writing signed by the patient, or, if the patient is under the age of twenty-one, by his parent or guardian, of the desire that such patient should be discharged.

(4) In this section the expression "parent or guardian" includes any person who undertakes or performs towards the person suffering as aforesaid the duty of a parent or guardian.

4. (1) If, on an application made by any person, in the prescribed manner, to a justice of the peace, it is proved to the satisfaction of such justice that a person is suffering from mental or nervous disorder, and has not been found, declared or certified to be insane, and that it is in the interest of such person or of the public that he should be received into a hospital or reception house for treatment under this Act, the justice may, by an order in the prescribed form, order that such person may be taken charge of, conveyed to, and received into a hospital or reception house for a period not exceeding six months.

Involuntary patients.

The justice may accept as proof that a person is suffering from mental or nervous disorder and should be received into a hospital or reception house, a certificate, in the form in the Schedule to this Act, signed by two medical practitioners within seven days prior to the date of the order, and may interview such person at any place the justice may think fit; but unless such certificate is produced, the evidence of two medical practitioners shall be essential:

Provided that if in any part of the State it is impracticable to obtain the certificate of two medical practitioners, an order may be made on the certificate of one medical prac-

tioner, subject to the expressed condition that the certificate of another medical practitioner must be indorsed on the order within fourteen days after the patient is received into the hospital or reception house.

(2.) An order made under subsection one of this section shall authorise any person, with such assistance as may be necessary, on production of the order, to take charge of and convey the person to whom the order relates to the hospital or reception house mentioned in the order.

(3) If the person to whom the order relates is not received into the hospital or reception house within twenty-one days from the date of the order, such order shall lapse, unless it is proved to the satisfaction of a justice of the peace that such person cannot be conveyed to the hospital or reception house within that time, and in such case the justice may extend the time.

(4.) On a person being received into a hospital or reception house under this section the order for his reception shall be delivered to the superintendent or governing authority.

(5) If, on the expiration of the period for which a person was received into a hospital or reception house under this section, the Inspector General is of opinion that the patient is in need of further treatment, a justice of the peace may, on the application of the Inspector General, extend the operation of such order for any period not exceeding one year:

Provided that before granting such extension the justice shall require the application to be supported by the certificate of a medical practitioner, who is not a Government officer, in the form in the Schedule to this Act.

(6.) A patient, received into a hospital or reception house under this section, may be discharged at any time the superintendent or governing authority may think fit.

5. Part IX. of the principal Act shall apply, *mutatis mutandis*, to hospitals and reception houses under this Act:

Provided that a board of visitors shall consist of three members, and one of such members shall be a medical practitioner, one a legal practitioner, and at least one shall be a woman; and that meetings of the board may be summoned by the chairman or any two members; and that two members shall form a quorum at any meeting: Provided also that in the application of section ninety-five of the principal Act the words "once at least in every three months" shall be substituted for the words "once at least in every month."

6. On the certificate, in the prescribed form, of the Inspector General that a person received into a hospital or reception house is incapable of managing his affairs being filed in the Central Office of the Supreme Court, the provisions of Parts X. and XI. of the principal Act, and of the Official Trustee Act, 1921, shall apply to such person and his estate.

Application of
Parts X. and XI.
of the principal
Act.

7. Subject to this Act, sections nineteen, one hundred and sixty-seven, and one hundred and seventy to one hundred and seventy-five, inclusive, of the principal Act shall apply to any person received into any hospital or reception house under this Act, and such person shall be deemed a patient within the meaning of those sections.

Application of
ss. 19, 167, and
170-175 of the
principal Act.

8. Section four of the principal Act is amended by deleting the words "reception house" in the fifth line of the interpretation of the words "Insane patient."

Amendment of
sec. 4.

9. (1.) No action shall lie against any person for or on account of any act, matter, or thing done or commended to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, unless it is proved that such act was done or commended to be done maliciously and without reasonable and probable cause.

No action to lie
against person who
has acted in good
faith, etc.
(Sec 1903-20, No.
15, s. 179.)

(2.) No such action shall be commenced until one month next after notice in writing has been served on the person against whom it is intended to be brought, or left at his usual place of abode. Such notice shall clearly state the cause of action, the name and place of abode of the plaintiff, and the name and place of business of his solicitor (if any), and shall be signed by the plaintiff.

Notice of action.

(3.) Every such action shall be commenced within three months after the alleged cause of action, or the discharge of the patient.

Action to be com-
menced within
three months.

(4.) Proceedings in such action shall be stayed if the Court is satisfied that there is no reasonable ground for the action, or that notice of action has not been given, or that the said proceedings have been commenced after the expiration of the three months aforesaid.

Stay of proceedings

(5.) The Court may at any time after the commencement of such action order security for costs to be given by the plaintiff, and direct all proceedings in the action to be stayed until such order is complied with.

Security for costs

A person charged with an offence may be remanded to a hospital for observation.

10. Where it appears to a court of summary jurisdiction by which a person charged with an offence is remanded, that such person is suffering from mental or nervous disorder, the court may order that pending the further hearing he shall be sent to a hospital or reception house under this Act for observation, for a period not exceeding one month; and in such case such person may be received into and detained in the hospital or reception house pursuant to such order.

Regulations.

11. (1.) The Governor may make all such regulations as may be necessary or convenient to give effect to this Act.

(2) Such regulations—

(a) may prescribe the journal, case book or cards, and other records to be kept, and the forms to be used, and may adapt to the requirements of this Act the provisions of the principal Act and the schedules;

(b) may prescribe the fees to be payable by or on behalf of persons received into any hospital or reception house, or by persons related, in the degree stated in section one hundred and seventy of the principal Act, to persons received into any hospital or reception house, and the charges incidental to their reception and discharge, and provide for the recovery thereof as a debt due to the Crown or governing authority, together with the reasonable expenses incidental to the reception and discharge of patients.

(c) may impose a penalty not exceeding fifty pounds for any breach thereof.

(3) Any regulation under this Act—

(a) shall be published in the *Gazette*, and take effect from the date of publication or from a later date to be specified therein; and

(b) shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

THE SCHEDULE.

Section 4.

The Mental Treatment Act, 1927.

I [or we].....of....., a medical practitioner,
and.....of....., a medical practitioner,
certify that on the.....day of.....192 , at.....,
I [or we] examined..... of....., and in my [or our]
opinion he [or she] is suffering from....., and it is in the interest of
such person that he [or she] should be received into a hospital or reception house for
treatment under the Mental Treatment Act, 1927.

I [or we] have formed this opinion upon the following grounds:—

- (1) Facts observed by myself [or ourselves]
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- (2) Other facts communicated to me [or us] by others (here state the
information and from whom).

Dated the.....day of.....192 ,

(Signature or signatures).....
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